At page 5, lines 8-20, delete the paragraph and replace with the following:

--with the proviso that when ~~R_4-~~**B** is a carboxyl derivative, an amide derivative or a thioamide derivative, R_4 is not ~~(ii)~~ a cycloalkoxy; and

Y is H or C_{1-6} alkyl;

R^3 is C_{1-8} alkyl, C_{3-7} cycloalkyl, or C_{4-10} alkylcycloalkyl, all optionally substituted with hydroxy, C_{1-6} alkoxy, C_{1-6} thioalkyl, amido, (lower alkyl)amido, C_6 or C_{10} aryl, or C_{7-16} aralkyl;

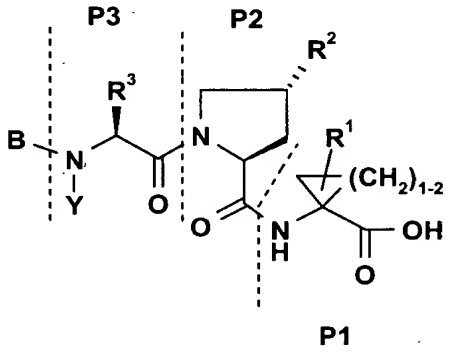
R_2 is CH_2-R_{20}, NH-R_{20}, O-R_{20} or S-R_{20}, wherein R_{20} is a saturated or unsaturated C_{3-7} cycloalkyl or C_{4-10} (alkylcycloalkyl), all of which being optionally mono-, di- or tri-substituted with R_{21},

or R_{20} is a C_6 or C_{10} aryl or C_{7-14} aralkyl, all optionally mono-, di- or tri-substituted with R_{21},

or R_{20} is Het or (lower alkyl)-Het, both optionally mono-, di- or tri-substituted with R_{21}, --

AMENDED CLAIMS WITH MARKINGS TO SHOW THE CHANGES MADE

1. (three times amended) The racemates, diastereoisomers or optical isomers of a compound of formula (I):



(I)

wherein **B** is H, a C_6 or C_{10} aryl, C_{7-16} aralkyl; Het or (lower alkyl)-Het, all of which optionally substituted with C_{1-6} alkyl; C_{1-6} alkoxy; C_{1-6} alkanoyl; hydroxy; hydroxyalkyl; halo; haloalkyl; nitro; cyano; cyanoalkyl; amino optionally substituted with C_{1-6} alkyl; amido; or (lower alkyl)amide;

or **B** is an acyl derivative of formula R_4-C(O)-; a carboxyl derivative of formula R_4-O-C(O)-; an amide derivative of formula R_4-N(R_5)-C(O)-; a thioamide derivative of formula

C

R_4-N(R_5)-C(S)-;or a sulfonyl derivative of formula R_4-SO_2 wherein

R_4 is (i) C_{1-10} alkyl optionally substituted with carboxyl, C_{1-6} alkanoyl, hydroxy, C_{1-6} alkoxy, amino optionally mono- or di-substituted with C_{1-6} alkyl, amido, or (lower alkyl) amide;

(ii) C_{3-7} cycloalkyl, C_{3-7} cycloalkoxy, or C_{4-10} alkylcycloalkyl, all optionally substituted with hydroxy, carboxyl, (C_{1-6} alkoxy)carbonyl, amino optionally mono- or di-substituted with C_{1-6} alkyl, amido, or (lower alkyl) amide;

(iii) amino optionally mono- or di-substituted with C_{1-6} alkyl; amido; or (lower alkyl)amide;

(iv) C_6 or C_{10} aryl or C_{7-16} aralkyl, all optionally substituted with C_{1-6} alkyl, hydroxy, amido, (lower alkyl)amide, or amino optionally mono- or di-substituted with C_{1-6} alkyl; or

(v) Het or (lower alkyl)-Het, both optionally substituted with C_{1-6} alkyl, hydroxy, amido, (lower alkyl) amide, or amino optionally mono- or di-substituted with C_{1-6} alkyl;

R_5 is H or C_{1-6} alkyl; with the proviso that when **B** is a carboxyl derivative, an amide derivative or a thioamide derivative, R_4 is not a cycloalkoxy;

Y is H or C_{1-6} alkyl;

R^3 is C_{1-8} alkyl, C_{3-7} cycloalkyl, or C_{4-10} alkylcycloalkyl, all optionally substituted with hydroxy, C_{1-6} alkoxy, C_{1-6} thioalkyl, amido, (lower alkyl)amido, C_6 or C_{10} aryl, or C_{7-16} aralkyl;

R^2 is CH_2-R_{20}, NH-R_{20}, O-R_{20} or S-R_{20}, wherein R_{20} is pyridinyl, quinolyl, (lower alkyl)-pyridinyl or (lower alkyl)-quinolyl, each optionally mono-, di- or tri-substituted with R_{21},

wherein each R_{21} is independently C_{1-6} alkyl; C_{1-6} alkoxy; lower thioalkyl; sulfonyl; NO_2; OH; SH; halo; haloalkyl; amino optionally mono- or di-substituted with C_{1-6} alkyl, C_6 or C_{10} aryl, C_{7-14} aralkyl, Het or (lower alkyl)-Het; amido optionally mono-substituted with C_{1-6} alkyl, C_6 or C_{10} aryl, C_{7-14} aralkyl, Het or (lower alkyl)-Het; carboxyl; carboxy(lower alkyl); C_6 or C_{10} aryl, C_{7-14} aralkyl or Het, said aryl, aralkyl or Het being optionally substituted with R_{22};

wherein R_{22} is C_{1-6} alkyl; C_{3-7} cycloalkyl; C_{1-6} alkoxy; amino optionally mono- or di-substituted with C_{1-6} alkyl; sulfonyl; (lower alkyl)sulfonyl; NO_2; OH; SH; halo; haloalkyl; carboxyl; amide; (lower alkyl)amide; or Het optionally substituted with C_{1-6} alkyl;

R^1 is H; C_{1-6} alkyl, C_{3-7} cycloalkyl, C_{2-6} alkenyl, or C_{2-6} alkynyl, all optionally substituted

with halogen;

or a pharmaceutically acceptable salt or ester thereof;

wherein "Het" is defined as a five-membered saturated or unsaturated, ~~including~~ aromatic or non-aromatic, heterocycle containing from one to four heteroatoms selected from nitrogen, oxygen and sulfur, wherein said heterocycle is optionally fused to a benzene ring.

45. (three times amended) A compound of formula I according to claim 1, wherein

B is a C_6 or C_{10} aryl or C_{7-16} aralkyl, all optionally substituted with C_{1-6} alkyl, C_{1-6} alkoxy, C_{1-6} alkanoyl, hydroxy, hydroxyalkyl, halo, haloalkyl, nitro, cyano, cyanoalkyl, amido, (lower alkyl)amido, or amino optionally substituted with C_{1-6} alkyl; or

Het or (lower alkyl)-Het, all optionally substituted with C_{1-6} alkyl, C_{1-6} alkoxy, C_{1-6} alkanoyl, hydroxy, hydroxyalkyl, halo, haloalkyl, nitro, cyano, cyanoalkyl, amido, (lower alkyl)amido, or amino optionally substituted with C_{1-6} alkyl,. or

B is $\mathbf{R_4}$-SO_2 wherein $\mathbf{R_4}$ is preferably amido; (lower alkyl)amide; C_6 or C_{10} aryl, C_{7-14} aralkyl or Het, all optionally substituted with C_{1-6} alkyl, or

B is an acyl derivative of formula $\mathbf{R_4}$-C(O)- wherein $\mathbf{R_4}$ is

(i) C_{1-10} alkyl optionally substituted with carboxyl, hydroxy or C_{1-6} alkoxy, amido, (lower alkyl)amide, or amino optionally mono- or di-substituted with C_{1-6} alkyl;

(ii) C_{3-7} cycloalkyl or C_{4-10} alkylcycloalkyl, both optionally substituted with hydroxy, carboxyl, (C_{1-6} alkoxy)carbonyl, amido, (lower alkyl)amide, or amino optionally mono- or di-substituted with C_{1-6} alkyl;

(iv) C_6 or C_{10} aryl or C_{7-16} aralkyl, all optionally substituted with C_{1-6} alkyl, hydroxy, amido, (lower alkyl)amide, or amino optionally substituted with C_{1-6} alkyl;

(v) Het or (lower alkyl)-Het, both optionally substituted with C_{1-6} alkyl, hydroxy, amino optionally substituted with C_{1-6} alkyl, amido, (lower alkyl)amide, or amino optionally substituted with C_{1-6} alkyl, or

B is a carboxyl derivative of formula $\mathbf{R_4}$-O-C(O)-, wherein $\mathbf{R_4}$ is

(i) C_{1-10} alkyl optionally substituted with carboxyl, C_{1-6} alkanoyl, hydroxy, C_{1-6} alkoxy, amino optionally mono- or di-substituted with C_{1-6} alkyl, amido or (lower alkyl)amide;

(ii) C_{3-7} cycloalkyl, C_{4-10} alkylcycloalkyl, all optionally substituted with carboxyl, (C_{1-6} alkoxy)carbonyl, amino optionally mono- or di-substituted with C_{1-6} alkyl,

amido or (lower alkyl)amide;

(iv) C_6 or C_{10} aryl or C_{7-16} aralkyl optionally substituted with C_{1-6} alkyl, hydroxy, amido, (lower alkyl)amido, or amino optionally mono- or di-substituted with C_{1-6} alkyl; or

(v) Het or (lower alkyl)-Het, both optionally substituted with C_{1-6} alkyl, hydroxy, amino optionally mono- or di-substituted with C_{1-6} alkyl, amido or (lower alkyl)amido, or

B is an amide derivative of formula $\mathbf{R_4}$-N($\mathbf{R_5}$)-C(O)- wherein $\mathbf{R_4}$ is

(i) C_{1-10} alkyl optionally substituted with carboxyl, C_{1-6} alkanoyl, hydroxy, C_{1-6} alkoxy, amido, (lower alkyl)amido, or amino optionally mono- or di-substituted with C_{1-6} alkyl;

(ii) C_{3-7} cycloalkyl or C_{4-10} alkylcycloalkyl, all optionally substituted with carboxyl, (C_{1-6} alkoxy)carbonyl, amido, (lower alkyl)amido, or amino optionally mono- or di-substituted with C_{1-6} alkyl;

(iii) amino optionally mono- or di-substituted with C_{1-3} alkyl;

(iv) C_6 or C_{10} aryl or C_{7-16} aralkyl, all optionally substituted with C_{1-6} alkyl, hydroxy, amido, (lower alkyl)amide, or amino optionally substituted with C_{1-6} alkyl; or

(v) Het or (lower alkyl)-Het, both optionally substituted with C_{1-6} alkyl, hydroxy, amino optionally substituted with C_{1-6} alkyl, amido or (lower alkyl)amide; and

$\mathbf{R_5}$ is H or methyl, or

B is thioamide derivative of formula $\mathbf{R_4}$-NH-C(S)-; wherein $\mathbf{R_4}$ is

(i) C_{1-10} alkyl optionally substituted with carboxyl, C_{1-6} alkanoyl or C_{1-6} alkoxy;

(ii) C_{3-7} cycloalkyl or C_{4-10} alkylcycloalkyl, all optionally substituted with carboxyl, (C_{1-6} alkoxy)carbonyl, amino or amido;

Y is H or methyl;

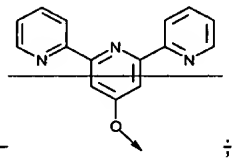
$\mathbf{R^3}$ is C_{1-8} alkyl, C_{3-7} cycloalkyl, or C_{4-10} alkylcycloalkyl, all optionally substituted with hydroxy, C_{1-6} alkoxy, C_{1-6} thioalkyl, acetamido, C_6 or C_{10} aryl, or C_{7-16} aralkyl;

R^2 is S-$\mathbf{R_{20}}$ or O-$\mathbf{R_{20}}$ wherein $\mathbf{R_{20}}$ is pyridinyl, quinolyl, -CH_2-pyridinyl or -CH_2-quinolyl, all optionally mono-, di- or tri-substituted with $\mathbf{R_{21}}$, wherein

$\mathbf{R_{21}}$ is C_{1-6} alkyl; C_{1-6} alkoxy; lower thioalkyl; amino or amido optionally mono-or di-substituted with C_{1-6} alkyl, C_6 or C_{10} aryl, C_{7-16} aralkyl, Het or (lower alkyl)-Het; NO_2; OH; halo; trifluoromethyl; carboxyl; C_6 or C_{10} aryl, C_{7-16} aralkyl, or Het, said aryl, aralkyl or Het being optionally substituted with $\mathbf{R_{22}}$, wherein

$\mathbf{R_{22}}$ is C_{1-6} alkyl; C_{3-7} cycloalkyl; C_{1-6} alkoxy; amino; mono- or di-(lower

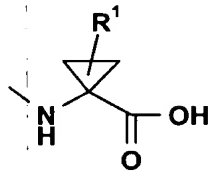
alkyl)amino; (lower alkyl)amide; sulfonylalkyl; NO_2; OH; halo; trifluoromethyl; carboxyl or Het; ~~or~~



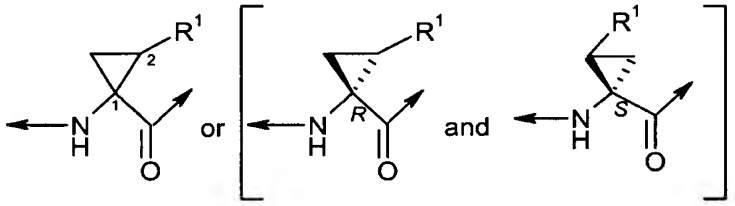
~~R^2 is~~ ;

or R^2 is quinolinoxy unsubstituted , mono- or di-substituted with $\mathbf{R_{21}}$ as defined above; and

P1 is:



, wherein $\mathbf{R^1}$ is H, C_{1-3} alkyl, C_{3-5} cycloalkyl, or C_{2-4} alkenyl optionally substituted with halo, and said $\mathbf{R^1}$ at carbon 2 is orientated *syn* to the carbonyl at position 1, represented by the radical:



;

or a pharmaceutically acceptable salt or ester thereof.

46. (three times amended) A compound of formula I according to claim 45, wherein **B** is a C_6 or C_{10} aryl optionally substituted with C_{1-6} alkyl, C_{1-6} alkoxy, C_{1-6} alkanoyl, hydroxy, hydroxyalkyl, halo, haloalkyl, nitro, cyano, cyanoalkyl, amido, (lower alkyl)amide, or amino optionally mono- or di-substituted with C_{1-6} alkyl; or **B** is Het optionally substituted with C_{1-6} alkyl, C_{1-6} alkoxy, C_{1-6} alkanoyl, hydroxy, halo, amido, (lower alkyl)amide, or amino optionally mono- or di-substituted with C_{1-6} alkyl; or

B is $\mathbf{R_4}$-SO_2 wherein $\mathbf{R_4}$ is C_6 or C_{10} aryl, a C_{7-14} aralkyl or Het all optionally substituted with C_{1-6} alkyl; amido, (lower alkyl)amide; **B** is an acyl derivative of formula $\mathbf{R_4}$-C(O)- wherein $\mathbf{R_4}$ is

(i) C_{1-10} alkyl optionally substituted with carboxyl, hydroxy or C_{1-6} alkoxy; or

(ii) C_{3-7} cycloalkyl or C_{4-10} alkylcycloalkyl, both optionally substituted with hydroxy, carboxyl, (C_{1-6} alkoxy)carbonyl; or

(iv) C_6 or C_{10} aryl or C_{7-16} aralkyl, all optionally substituted with C_{1-6} alkyl, hydroxy; or

(v) Het optionally substituted with C_{1-6} alkyl, hydroxy, amido or amino;

or **B** is a carboxyl derivative of formula $\mathbf{R_4}$-O-C(O)-, wherein $\mathbf{R_4}$ is

(i) C_{1-10} alkyl optionally substituted with carboxyl, C_{1-6} alkanoyl, hydroxy, C_{1-6} alkoxy or amido, (lower alkyl)amide, amino optionally mono- or di-substituted with C_{1-6} alkyl;

(ii) C_{3-7} cycloalkyl, C_{4-10} alkylcycloalkyl, all optionally substituted with carboxyl, (C_{1-6} alkoxy)carbonyl, amido, (lower alkyl)amide, amino optionally mono- or di-substituted with C_{1-6} alkyl; or

(iv) C_6 or C_{10} aryl or C_{7-16} aralkyl, all optionally substituted with C_{1-6} alkyl, hydroxy, amino optionally substituted with C_{1-6} alkyl; or

(v) Het or (lower alkyl)-Het, both optionally substituted with C_{1-6} alkyl, hydroxy, amido, or amino optionally mono-substituted with C_{1-6} alkyl;

or **B** is an amide derivative of formula $\mathbf{R_4}$-N($\mathbf{R_5}$)-C(O)- wherein $\mathbf{R_4}$ is

(i) C_{1-10} alkyl optionally substituted with carboxyl, C_{1-6} alkanoyl, hydroxy, C_{1-6} alkoxy, amido, (lower alkyl)amide, amino optionally mono- or di-substituted with C_{1-6} alkyl;

(ii) C_{3-7} cycloalkyl or C_{4-10} alkylcycloalkyl, all optionally substituted with carboxyl, (C_{1-6} alkoxy)carbonyl, amido, (lower alkyl)amide, amino optionally mono- or di-substituted with C_{1-6} alkyl; and $\mathbf{R_5}$ is H or methyl; or

$\mathbf{R_4}$ is (iii) amino optionally mono- or di-substituted with C_{1-3} alkyl; or

(iv) C_6 or C_{10} aryl or C_{7-16} aralkyl, all optionally substituted with C_{1-6} alkyl, hydroxy, amino or amido optionally substituted with C_{1-6} alkyl; or

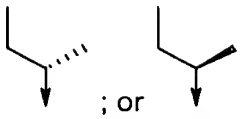
(v) Het optionally substituted with C_{1-6} alkyl, hydroxy, amino or amido; or

B is a thioamide derivative of formula $\mathbf{R_4}$-NH-C(S)-; wherein $\mathbf{R_4}$ is:

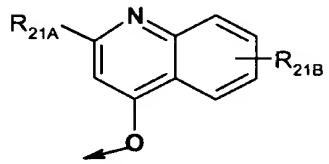
(i) C_{1-10} alkyl; or (ii) C_{3-7} cycloalkyl; or

Y is H;

$\mathbf{R^3}$ is the side chain of Tbg, Ile, Val, Chg or:

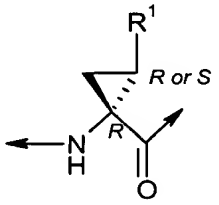

; or ;

R^2 is quinolinoxy unsubstituted, mono- or di-substituted with R_{21} as defined above, or R^2 is :



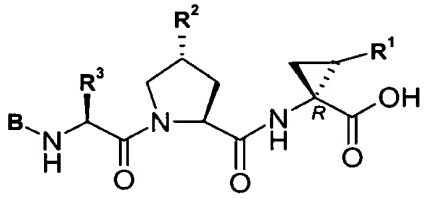
wherein R_{21A} is C_{1-6} alkyl; C_{1-6} alkoxy; C_6, C_{10} aryl or Het; lower thioalkyl; halo; amino optionally mono-substituted with C_{1-6} alkyl; or C_6,C_{10} aryl, C_{7-16} aralkyl or Het, optionally substituted with R_{22} wherein R_{22} is C_{1-6} alkyl, C_{1-6} alkoxy, amido, (lower alkyl)amide, amino optionally mono- or di-substituted with C_{1-6} alkyl, or Het; and R_{21B} is C_{1-6} alkyl, C_{1-6} alkoxy, amino, di(lower alkyl)amino, (lower alkyl)amide, NO_2, OH, halo, trifluoromethyl, or carboxyl;

P1 is:


; and

R^1 is ethyl, vinyl, cyclopropyl, 1 or 2-bromoethyl or 1 or 2-bromovinyl.

52.(twice amended) A compound according to claim 45 represented by the formula:



wherein **B**, R^3, R^2, R^1 are as defined below:

Table 3 Cpd #	B	R^3	R^2	R^1 *syn* to carboxyl

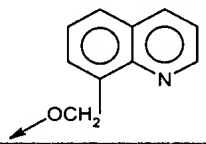
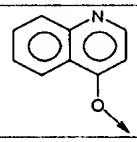
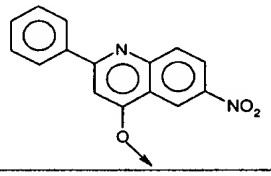
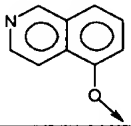
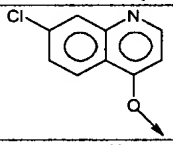
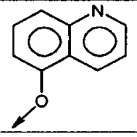
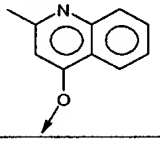
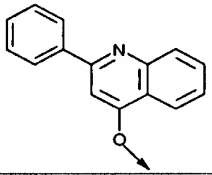
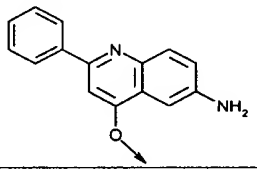
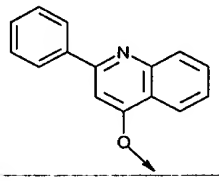
Table 3 Cpd #	B	R^3	R^2	R^1 *syn* to carboxyl	
304	Boc	cHex		ethyl	;
306	Boc	cHex		vinyl	;
307	Boc	cHex		vinyl	;
310	Boc	cHex		vinyl	;
311	Boc	cHex		vinyl	;
312	Boc	cHex		vinyl	;
313	Boc	cHex		vinyl	;
314	Boc	cHex		vinyl	;
315	Boc	cHex		vinyl	;
316	Acetyl	cHex		vinyl	;

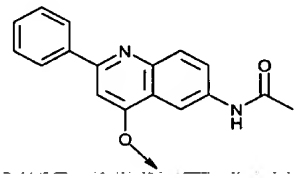
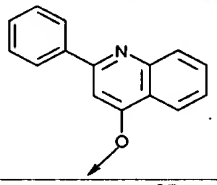
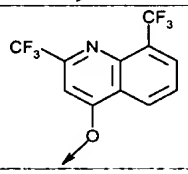
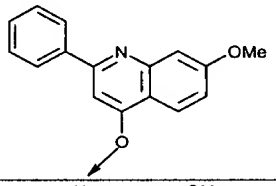
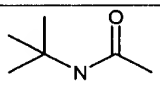
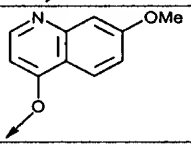
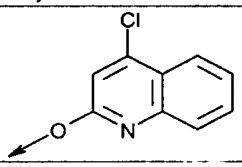
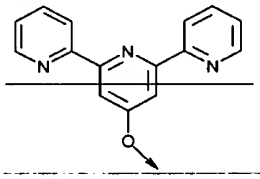
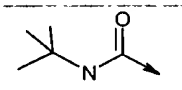
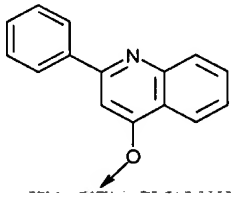
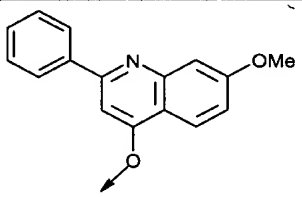
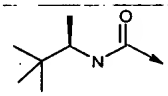
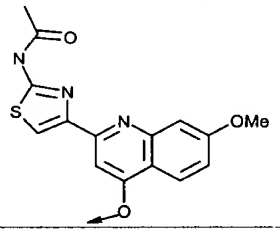
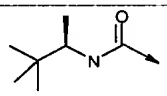
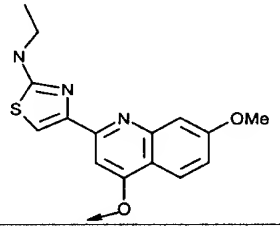
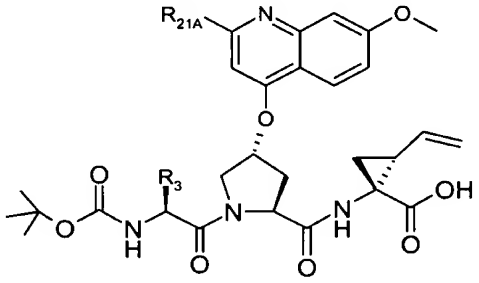
Table 3 Cpd #	B	R^3	R^2	R^1 *syn* to carboxyl	
317	Boc	cHex		vinyl	;
318	CF_3-C(O)-	*i-Pr*		vinyl	;
322	Boc	*t*-Bu		vinyl	;
325	Boc	*t*-Bu			;
327		*t*-Bu		vinyl	;
328	Boc	*t*-Bu		vinyl	;
~~**329**~~	~~Boc~~	~~*t*-Bu~~		~~vinyl~~	;
331		*t*-Bu		vinyl	;

Table 3 Cpd #	B	R^3	R^2	R^1 *syn* to carboxyl
332	Boc	*t*-Bu		ethyl ;
333		*t*-Bu		vinyl ;
and 334		*t*-Bu		vinyl .

53.(twice amended) A compound according to claim 52, selected from the group consisting of compound #: **307,314, 317, 325, 327, ~~329,~~ 331, 332, 333,** and **334.**

60. (twice amended) A compound according to claim 46 represented by the formula:



wherein R_3 and R_{21A} are as defined below:

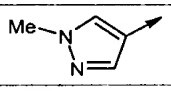
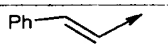
Table 7 Cpd #	R_3	R_{21A}
701	*t*-Bu	 ;
702	*t*-Bu	 ;

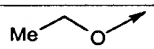
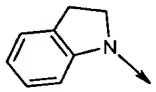
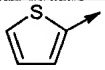
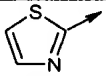
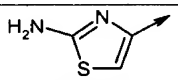
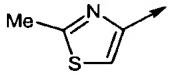
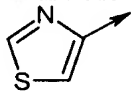
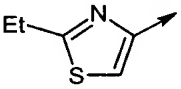
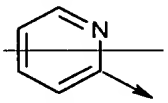
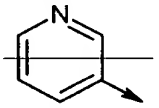
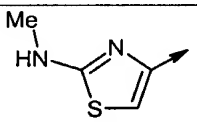
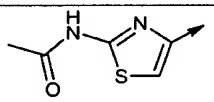
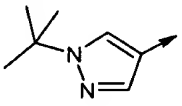
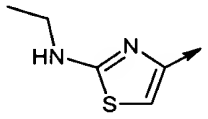
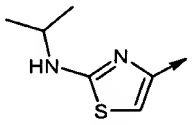
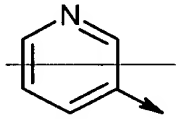
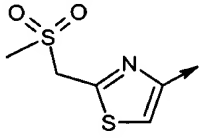
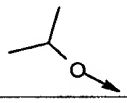
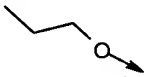
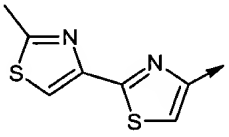
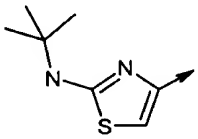
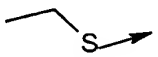
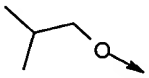
Table 7 Cpd #	R_3	R_{21A}	
703	*t*-Bu		;
704	*t*-Bu		;
706	*t*-Bu		;
707	*t*-Bu		;
708	*t*-Bu	Ph-N(Me)-	;
709	*t*-Bu		;
710	*t*-Bu	HOOC-	;
711	*t*-Bu		;
712	*t*-Bu	$(Me)_2N$-	;
713	*t*-Bu		;
714	*t*-Bu		;
~~**715**~~	~~*t*-Bu~~		~~;~~
~~**716**~~	~~*t*-Bu~~		~~;~~
717	*t*-Bu		;
718	*t*-Bu	NH_2	;
719	*t*-Bu		;
720	*t*-Bu		;

Table 7 Cpd #	R_3	R_{21A}	
722	*t*-Bu		;
723	*t*-Bu		;
726	*t*-Bu	*i*-Pr	;
~~**727**~~	~~*t*-Bu~~		;
728	*t*-Bu		;
730	*t*-Bu		;
731	*t*-Bu		;
732	*t*-Bu		;
733	*t*-Bu		;
734	*t-Bu*		;
735	*t*-Bu		;
736	*t*-Bu	*t*-Bu	;
and 737	*t*-Bu	CHex	.

61. (twice amended) A compound according to claim 60, selected from the group consisting of compound #: **701, 702, 703, 704, 706, 707, 708, 709, 711 to** <u>**714, 717 to**</u>

720, 722, 723, 726, ~~to~~ 728, and 730 to 737.

REMARKS

Applicants thank Examiner Lambkin for the helpful and courteous telephonic discussion held with the undersigned attorney on June 26, 2001, during which the issues raised in the previous Office Action were resolved.

Claims 1-26, 28-75, 80 and 84-87 are pending.

The specification has been amended for consistency with previously amended claim 1. Claim 1 has been amended for clarification as suggested by the Examiner. The dependent claims have been amended for consistency with claim 1 and to delete subject matter being claimed in a divisional application. Claim 46 has been amended for clarification to insert the definition for group R_{21B} that is found in dependent claim 47. Nonelected Claims 76-79 have been cancelled without prejudice to the filing of a divisional application on that subject matter. No new matter has been entered by the foregoing amendments and entry thereof is respectfully requested.

I. Rejection Under 35 USC 112, Second Paragraph

Claims 49, 51, 53, 55, 57, 59, 61 and 63 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, for identification of compounds by compound numbers from a table rather than by nomenclature or structure.

Applicants traverse. Applicants submit that these claims do particularly point out

and distinctly claim the subject matter of the invention since all the numbered compounds are specifically and clearly identified by structure in the preceding claim. Applicants are not aware of any regulation prohibiting the use of compound numbers in a claim when the compound numbers clearly identify the compound intended.

The Patent Rules (37 C.F.R. § 1.58) provide that "claims may contain tables either if necessary to conform to 35 U.S.C. 112 **or if otherwise found to be desirable**" (emphasis added). Applicants submit that it is desirable to use tables with compound numbers and to refer to these compound numbers in dependent claims because this is a much more efficient use of space and is unambiguous. Moreover, such claim structure has been approved and allowed by the USPTO, e.g., see U.S. Patent No. 6,239,125 (copy attached).

Based on the discussion held with the Examiner, it is Applicants' understanding that this rejection will be withdrawn. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

II. Rejection Under 35 U.S.C. 112, first paragraph

Claim 1 is rejected under 35 USC 112, first paragraph, as containing subject matter not described in the application as filed, i.e., as containing "new matter." The Examiner refers to the amended proviso in claim 1 regarding the R_4 and B substituents (as amended in the Amendment of March 5, 2001). The Examiner argues that although the originally written proviso does not make logical sense, there is no support for the amended proviso.

Applicants traverse.

The original proviso read: "with the proviso that when R_4 is an amide or a thioamide, R_4 is not (ii) a cycloalkoxy".

It would be readily apparent to one skilled in the art that there is a clear typographical mistake in this proviso in view of the repetition of R_4 and the fact that R_4 cannot be a thioamide by definition. Also, in view of the fact that only group **B** in the claim can be either an amide or thioamide derivative and only R_4 in the claim can be a cycloalkoxy, one skilled in the art would readily understand that the initial R_4 group was intended to be group **B.** Accordingly, the proviso was amended, in part, to replace the initial "R_4" group with "**B**". This change cannot constitute new matter since, as discussed above, it would be readily apparent to one skilled in the art that there was a mistake present and what the correction should be.

Moreover, it is pointed out that none of the preferred embodiments described in the specification would fall within the provisoed out subject matter of claim 1, e.g. see pages 12-16 of the specification. Thus, the specification as filed is consistent with and supports this proviso which is needed to exclude compounds that are chemically unlikely or unstable

Based on the discussion held with the Examiner, it is also Applicants'

understanding that this rejection will be withdrawn for the reasons discussed above. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

III. Claim Objections

Claim 1 is objected to because the definition of Het in that claim embraces heterocycles that are non-elected under the terms of the Restriction Requirement.

Applicants traverse for the reasons fully set forth at pages 33-34 of the Amendment filed March 5, 2001, which reasons stand unrebutted and are herein incorporated by reference.

For the reasons set forth in the previous Amendment, Applicants strongly believe that all the claimed subject matter should be examined together. If the Examiner maintains this requirement, the Examiner is respectfully requested to identify which Group of the Restriction Requirement would cover the compounds that the Examiner would have Applicants cancel from the claims and provide reasons as to why these compounds to be canceled are more appropriately examined in such other Group.

Based on the discussion held with the Examiner, it is also Applicants' understanding that this objection will be withdrawn. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Various claims stand objected to as depending from a rejected base claim. Applicants submit that all the claim rejections have been overcome. Accordingly, this objection should be withdrawn.

IV. Nonelected Claims

Nonelected claims 73-75 and 80 are directed to method for preparing the compounds of formula (I) as defined in Claim 1. A previously argued during prosecution, these claims should be rejoined in the examination under rejoinder practice (MPEP 821.04). In the previous Office Action dated 12/4/00 the Examiner indicated (at pg. 3) that these withdrawn process claims would be rejoined in the examination when the elected compounds are found to be allowable. Applicants submit that the elected compounds (as defined in Claim 1) are allowable and that such process claims should therefore be rejoined. Based on the discussion held with the Examiner, it is Applicants' understanding that these nonelected process claims will be rejoined in the examination.

V. Conclusion

Applicants respectfully submit that this application is in condition for allowance and earnestly request such action.

If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the local telephone number listed below.

Respectfully submitted,

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Date: July 13, 2001

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